

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL RENELL WILLIAMS,

Petitioner,

v.

CASE NO. 2:06-CV-13209

HONORABLE ARTHUR J. TARNOW

BLAINE LAFLER,

Respondent.

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ORDER DENYING MOTION FOR RECONSIDERATION

Michigan prisoner Michael Renell Williams (“Petitioner”) pleaded guilty to armed robbery and possession of a firearm during the commission of a felony in the Genesee County Circuit Court and was sentenced to consecutive terms of 15 to 30 years imprisonment and two years imprisonment in 2003. Petitioner challenged his sentence in a habeas action brought pursuant to 28 U.S.C. § 2254 before this Court. He claimed that the state trial court mis-scored two state sentencing variables (OV1 and OV4) in violation of *Blakely v. Washington*, 543 U.S. 296, 303-05 (2004) (state trial court’s action in sentencing defendant beyond the statutory maximum of the standard range for his offense based upon judicial finding of deliberate cruelty violated defendant’s Sixth Amendment right to trial by jury) and that defense counsel was ineffective for failing to object to the scoring of the disputed offense variables. The Court determined that the claims lacked merit and denied the petition in 2008. Petitioner filed a notice of appeal with the United States Court of Appeals which was dismissed as untimely in 2009.

On July 10, 2013, Petitioner filed a “Motion to Reverse Opinion and Order Denying Petition for Writ of Habeas Corpus and Reopen Original Habeas Proceeding Pursuant to FRCP 60(d)(1).” The Court denied the motion finding that Petitioner merely re-argued issues previously addressed by the Court and/or raised claims concerning his sentence which could have been raised in his initial habeas proceeding. The Court further found that Petitioner had not shown that the Court erred in denying his habeas petition, that he is innocent, or that he is otherwise entitled to relief under Federal Rule of Civil Procedure 60(d)(1). Petitioner now seeks reconsideration of that ruling.

The Court finds no reason to reconsider its decision. A motion for reconsideration which presents issues already ruled upon, either expressly or by reasonable implication, will not be granted. *Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Petitioner has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(h)(3). Accordingly, the Court **DENIES** Petitioner's motion for reconsideration. This case remains closed.

IT IS ORDERED.

S/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge

Dated: August 5, 2013

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on August 5, 2013, by electronic and/or ordinary mail.

S/Catherine A. Pickles
Judicial Assistant